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EXAMINER

BANGACHON, WILLIAM L

ART UNIT	PAPER NUMBER
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2635

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DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,804

Applicant(s)

TRENT ET AL.

Examiner

William Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☒ Claim(s) 35-50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6. 6) ☐ Other:

DETAILED ACTION

Examiner's Response

1. In response to the application filed 9/21/00, the application has been examined. The Examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. It is the Examiner's position that claims 1-50 are unpatentable for the reasons set forth in this Office action:

Oath/Declaration

2. **The oath or declaration is defective.** A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because it does not identify the correct citizenship of Herman Sterzinger.

Priority

3. **Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) or 120 as follows:** The prior application cited (page 1, 1st sentence) was filed more than 1 year before the filing date of the instant application. Further, the identity of the prior application is unclear (i.e. SIR Publication No. ?).

Claim Objections

4. **The numbering of claims is not in accordance with 37 CFR 1.126** which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 35-50 been renumbered 34-49.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 33 and 34 recites "**a first and second wavelength**", that is not disclosed in the specification.

6. Applicant is requested to update the status of the parent application cited in the Claim of Priority section.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-6, 10-18, 22-25, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,774,053 (Porter).

In claim 1, Porter teaches of a container manager, comprising:

a housing (14) comprised of a plurality of sidewalls bearing a removable lid (18, 20), forming a container (10) having a closed interior while said lid is in complete engagement with said housing, and providing an open interior able to removably receive items within said open interior while said lid is dislodged from said complete engagement {col. 3, lines 55-60; col. 4, lines 1-9, lines 22-30};

a port (48) borne by said housing and exposed through said housing to accommodate conduction of transmission of data signals between said closed interior and an environment external to said housing {col. 6, lines 16-28};

a control stage (46) comprised of a memory storing information specific to said container {col. 5, lines 31-45}, said control stage being mounted entirely within and being completely encased by said container during said complete engagement, and being operationally coupled to provide communication with said interior via said port, and generating a control signal in dependence upon disposition of said port relative to a source of said data signals, in dependence upon disposition of said container within a scheme for generation of said data signals, and in response to occurrence of a

coincidence between a data key received among said data signals via said port and a data sequence obtained by said control stage in dependence upon said information stored within said memory {col. 6, lines 6-15}; and

a moveable latch disposed to engage said lid and hinder removal of said lid from said complete engagement, and to respond to said control signal by releasing said lid from said complete engagement {col. 4, lines 22-30; col. 6, lines 10-12}.

In claim 2, Porter teaches of a phone/modem (48) mounted within said housing providing said port {col. 6, lines 18-26}. Clearly, a socket/phone jack is available for connection to a network.

In claim 3, the container manager of claim 1, further comprised of an infrared receiver mounted within said housing providing said port {col. 4, line 19}.

In claim 4, the container manager of claim 1, further comprised of an antenna mounted within said housing providing said port {fig. 3, 16; col. 6, lines 26-28}.

In claim 5, the container manager of claim 1, further comprised of
a microprocessor based host computer (58, 60) operationally coupled to said controller via said port, generating said data key {col. 7, lines 1-23}; and
a data cable coupling said host computer to said port {col. 6, lines 24-26}.

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In claim 6, the container manager of claim 1, further comprised of
a microprocessor based host computer (58, 60) operationally coupled to said controller via said port, generating said data key; and
a local area network coupling said host computer to said port {col. 6, lines 18-26}.

In claim 10, the container manager of claim 1, further comprised of:
said controller generating an alarm signal in response to an unauthorized interruption of said communication via said port; and
an alarm driven by said controller to broadcast an indication of said unauthorized interruption in response to said alarm signal {col. 6, lines 55-64}. In this case, "the alarm bell is activated when the enclosure is forced open or if a person tampers with the container manager (10) without entering a valid code" (analogous to unauthorized interruption). Clearly, there is a continuous communication within the system so that if the container manager is forced open or tampered with, then this communication is interrupted. And tampering with this communication is analogous to unauthorized interruption.

In claim 11, the container manager of claim 1, further comprised of
a microprocessor based host computer operationally coupled to said controller via said port, periodically making a determination of whether said an unauthorized interruption of said communication has occurred {col. 7, lines 24-45}; and

an alarm driven by said host computer to broadcast an indication of said unauthorized interruption in dependence upon said determination {col. 7, lines 30-33}.

In claim 12, the container manager of claim 1, further comprised of
said controller generating an alarm signal in response to an unauthorized interruption of said communication via said port; a first alarm driven by said host computer to broadcast an indication of said unauthorized interruption in response to said alarm signal; a microprocessor based host computer operationally coupled to said controller via said port, periodically making a determination of whether said an unauthorized interruption of said communication has occurred; and a second alarm driven by said host computer to broadcast an indication of said unauthorized interruption in dependence upon said determination {col. 6, lines 55-64}.

Claims 13 and 22 recites the combination of claims 1 and 10, claims 14-21 recites the limitations of claims 2-9, and therefore rejected for the same reasons.

Claim 23 recites the limitations of claim 1 and therefore rejected for the same reasons further comprising a microprocessor based host computer (46, 58, 60) including a keyboard (26) and monitor (30), as shown in figure 5.

Claims 29 and 30 recites the combination of claims 1 and 10, claims 31-32 recites the limitations of claims 11-12, and therefore rejected for the same reasons.

12. Claims 7-9, 19-21, and 26-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,774,053 (Porter).

In claim 7, the container manager of claim 1, further comprised of.

a microprocessor based host computer (58, 60) operationally coupled to said controller via said port, generating said data key; said port comprising a first antenna (48) mounted on one of said sidewalls (figure 3, 16); a data transceiver connecting said first antenna and said controller; and a second antenna (62, 64) driven by said host computer, operationally connecting said host computer to said first antenna {col. 6, lines 26-28}.

The communication apparatuses of the host computer (58, 60) are similar to the communication apparatus (16) of the container {col. 7, lines 4-7}. Obviously, whatever communication apparatus is used in the container, the host computer will have the same communication apparatus for compatibility, to one of ordinary skill in the art.

Claims 8 and 9 recites the limitation of claim 3 further comprising of a microprocessor based host computer (58, 60) operationally coupled to said controller via said port, generating said data key. And although Porter does not disclose expressly an infrared transmitter (62, 64) driven by said host computer to broadcast an infrared signal corresponding to said data key, these claim limitations would have been obvious in the system of Porter, to one of ordinary skill in the art. Porter teaches of an

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infrared receiver mounted within said housing coupling the host computer. Obviously, the Tx/Rx (62, 64) would have an infrared transmitter matching the infrared receiver at the housing. And obviously, for bi-directional communication, the Tx/Rx (48) mounted at said housing would match the Tx/Rx at the host computer. Therefore, it would have been obvious to one of ordinary skill in the art to have matching infrared transmitter/receivers (62, 64) at the host computer of Porter to facilitate communication between the container manager and host computer.

Claims 19-21 and 26-28 recites the limitations of claims 7-9 and therefore rejected for the same reasons.

13. Claims 33-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,774,053 (Porter) in view of US 6,057,779 (Bates).

In claims 33 and 34, Porter does not disclose expressly "first and second wavelength signals". In this case, Bates is relied upon to teach frequency hopping and band selection comprising a first and second wavelength as claimed {Bates, col. 9, lines 34-49; col. 11, lines 13-14}. Bates teaches that operating in different frequencies is desirable in that the data signals can be distinguished from other users of the system and other signals operating at the same frequency {Bates, col. 7, lines 25-32}. Clearly, these features are advantageous in the system of Porter because this will ensure that the data signals intended for the Porter system will be received. The systems of Porter

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and Bates are analogous art because they are from same field of endeavor, access to electronic containers. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have a first and second wavelength signals in the system of Porter because the data signals intended for the system of Porter will be received.

Claims 35-41 and 47, recites the limitations of claim 1, further comprising of "a source of an input signal representing a first class of information, mounted upon and borne by said housing". Porter does not disclose this feature. In this case, Bates is relied upon to teach such features in the form of a GPS receiver (36) for determining the position of the receiver mounted in a transportable container {Bates, col. 4, lines 46-63}. Bates teaches that the desired destination of the receiver is configurable as shown in the flowchart of figure 7 {col. 5, lines 30-35}. Once configured, the container can only be opened if the destination of the receiver matches that of the actual location of the receiver determined by the GPS system {Bates, col. 1, lines 39-46}. Bates teaches that these features are desirable because it can prevent theft of container cargo {Bates, col. 1, lines 23-31}. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have a GPS receiver for determining the actual location of the container of Porter, and only allowing the container to be opened if the desired location of the container matches that of the actual location of the container, to prevent theft to the contents of the container, as evidenced by Bates.

In claim 43, the container manager of claim 36, further comprised of a microprocessor based host computer operationally coupled to said controller via said port, generating said data signals {Bates, col. 6, lines 59-60}.

In claim 44, the container manager of claim 43, further comprised of said host computer comprising a cellular telephone bearing a graphical user interface {Bates, col. 6, lines 6-8}.

Claim 45 recites the limitations of claim 6 and therefore rejected for the same reasons {Porter, col. 7, lines 51-56}.

In claim 46, the container manager of claim 36, further comprised of said data signals comprising one of an e-mail packet and an attachment to an e-mail message {Porter, col. 7, lines 51-56}.

Claim 48 recites the limitations of claim 6 and therefore rejected for the same reasons.

14. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,774,053 (Porter) in view of US 6,057,779 (Bates), and further in view of US 5,245,329 (Gokcebay).

In claim 49, Porter in view of Bates does not disclose "a second class of information comprising **biometric data**". Gokcebay teach an access control system combining safes or safety deposit box with user authentication involving biometric features such as a fingerprint of the intended keyholder {abstract}. Obviously, the use of fingerprint for authentication is desirable in the system of Porter, in that there is no need to carry keys or remote controllers, to one of ordinary skill in the art. The systems of Porter and Gokcebay are analogous art because they are from same problem solving area, access control systems. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have used biometric data, such as a fingerprint in the system of Porter, as evidenced by Gokcebay, because the use of fingerprint for authentication eliminates the need to carry keys or remote controllers for accessing electronic locks.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4,750,197 (Denekamp et al) is cited in that it teaches of an integrated cargo system with electronic lock {abstract}.

Examiner Contact Information

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon
Examiner
Art Unit 2635

October 20, 2003


BRIAN ZIMMERMAN
PRIMARY EXAMINER